

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2013 IL App (3d) 121030-U

Order filed August 12, 2013

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

A.D., 2013

<i>In re</i> MARRIAGE OF	)	Appeal from the Circuit Court
ARTHUR TRUESDALE,	)	of the 12th Judicial Circuit,
	)	Will County, Illinois,
Petitioner-Appellant,	)	
	)	Appeal No. 3-12-1030
and	)	Circuit No. 03-D-917
	)	
CHARLENE TRUESDALE,	)	Honorable
	)	Robert J. Baron,
Respondent-Appellee.	)	Judge, Presiding.

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JUSTICE McDADE delivered the judgment of the court.  
Presiding Justice Wright and Justice O'Brien concurred in the judgment.

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**ORDER**

¶ 1 *Held:* The circuit court's order regarding respondent's interest in petitioner's Pension Plan No. 5 is affirmed because petitioner failed to provide an adequate record for review.

¶ 2 Petitioner, Arthur Truesdale, appeals from an order entered in the circuit court of Will County. The order was issued after we remanded the cause for a proper determination of the interest of respondent, Charlene Truesdale, in Arthur's Pension Plan No. 5. See *In re Marriage of Truesdale*, No. 3-09-0312 (2010) (unpublished order under Supreme Court Rule 23). Arthur,

acting *pro se*, appeals the new determination, arguing that: (1) the trial court's ruling was against the manifest weight of the evidence; (2) he did not receive a fair and impartial hearing; and (3) the court's ruling violated his rights to due process and equal protection. Arthur also asks this court: (1) whether all judges and justices in the State of Illinois are obligated to enforce Illinois Supreme Court Rule 8.4; and (2) whether section 16 of the Bill of Rights in the Illinois Constitution preempts the Illinois Supreme Court rules. We affirm.

¶ 3

### FACTS

¶ 4 Arthur and Charlene were married on February 11, 1995. During their marriage, Arthur worked as an electrician. As a member of International Brotherhood of Electrical Workers 134 (IBEW), Arthur acquired interest in IBEW's Pension Plan No. 5.

¶ 5 On June 23, 2006, Arthur and Charlene's marriage was dissolved. As part of the judgment and marital settlement agreement, the parties agreed to a formula for determining Charlene's interest in Arthur's pension plans, including Pension Plan No. 5. Thereafter, the circuit court approved a qualified domestic relations order (QDRO) granting Charlene \$49,216.06 from the Pension Plan No. 5 account balance, plus investment gains and losses from June 23, 2006, to the date of distribution. Arthur appealed the court's acceptance of the QDRO.

¶ 6 On appeal, we found that the trial court did not use the formula memorialized in the judgment for dissolution when it calculated Charlene's interest in Arthur's pension plans. Therefore, we remanded the cause to the trial court for further proceedings to determine Charlene's proper interest pursuant to the formula specified in the judgment for dissolution. On remand, the trial court held a hearing and, thereafter, entered an order wherein it recalculated Charlene's interest. Defendant appeals from that order.

¶ 7

## ANALYSIS

¶ 8 Arthur argues on appeal that: (1) the trial court's ruling on Charlene's proper interest in his pension plan was against the manifest weight of the evidence; (2) he did not receive a fair and impartial hearing with regard to the determination of his pension plan; and (3) the court's ruling violated his rights to due process and equal protection. Arthur also asks this court to consider the questions of: (1) whether all judges and justices in the State of Illinois are obligated to enforce Supreme Court Rule 8.4; and (2) whether section 16 of the Bill of Rights in the Illinois Constitution (Ill. Const. 1970, art. I, § 16) preempts the Illinois Supreme Court rules. Charlene did not file an appellee's brief. We elect to decide the appeal. *First Capital Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128 (1976).

¶ 9 Arthur's first three contentions relate to the hearing in the circuit court, after remand, regarding Charlene's interest in his Pension Plan No. 5. Arthur did not include a transcript of the hearing in the record on appeal. It is well established that an appellant has the burden to present a sufficiently complete record of the proceedings in the circuit court to support a claim of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389 (1984). In the absence of a complete record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis. *Id.* Any doubts which may arise from the incompleteness of the record will be resolved against the appellant. *Id.* Here, because Arthur did not include the transcript from the hearing, there is no basis for holding that the trial court's ruling was against the manifest weight of the evidence, that Arthur did not receive a fair and impartial hearing, or that his rights to due process and equal protection were violated. Thus, we affirm on all of those issues.

¶ 10 Arthur's final two contentions are unclear, but they do not appear to relate specifically to

the case at hand. While we are cognizant of Arthur's *pro se* status, he still has a duty to provide a clear argument on a relevant question that is capable of decision. See *Boeger v. Boeger*, 147 Ill. App. 3d 629 (1986). Moreover, Illinois courts generally do not decide moot questions, render advisory opinions, or consider issues where the outcome will not be affected by how the issues are decided. See *In re Alfred H.H.*, 233 Ill. 2d 345 (2009). To some extent, Arthur's questions regarding the enforceability of Supreme Court Rule 8.4 and the hierarchy of laws appear to be a request for an advisory opinion. We cannot decide such issues. To the extent that they are not, the arguments are too unclear to be capable of decision. Thus, we find no error.

¶ 11

#### CONCLUSION

¶ 12 The judgment of the circuit court of Will County is affirmed.

¶ 13 Affirmed.